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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,351	12/13/2003	Xiong Sha Yang	Y366-002-PAT	3579
7590 03/09/2006			EXAMINER	
Angenehm Law Firm, Ltd. P.O. Box 48755 Coon Rapids, MN 55448-0755			SAN MARTIN, EDGARDO	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 2 – 8 and 10 - 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Stastny (US 4,817,163).

With respect to claim 2, Stastny teaches a speaker (Fig.3, Item 17) and grill (Fig.3, Item 23), comprising a speaker horn (Fig.3, Item 18) disposed within a speaker box; a shaft (Fig.3, Item 25) having a central axis co-axial with the central axis of the speaker horn; and a selectively rotatable cover (Fig.3, Item 22) joined to the shaft (Fig.3; Col.3, Lines 29 – 57).

With respect to claims 3 – 7, 10, 17 and 18, Stastny teaches the limitations described in the claims (Fig.1; Col.1, Line 65 – Col.2, Line 57). Regarding claims 7, 10, 17 and 18, the Examiner has given little patentable weight, not yielding to a level sufficient for patentable distinction, to the abovementioned limitations and claims because they do not change or alter the utility, efficiency, functionality or performance of the speaker system, they are just merely aesthetic changes. See MPEP 2144.04

With respect to claim 8, Stastny teaches a motor (Fig.1, Item 11) joined to a rim (Fig.1, Item 7).

With respect to claims 11 and 19, Stastny teaches further including a light source (Figs.1 and 3, Items 13 and 26), the light source joined to the rim (Col.3, Lines 58 – 64).

With respect to claim 12, Stastny teaches wherein the shaft (Fig.3, Item 25) is rotatable (Col.3, Lines 29 – 57).

With respect to claims 13 – 16, Stastny teaches the limitations described in the claims (Fig.1; Col.1, Line 65 – Col.2, Line 57)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stastny (US 4,817,163).

Stastny teach a speaker (Fig.3, Item 17) and grill (Fig.3, Item 23), comprising a speaker horn (Fig.3, Item 18) disposed within a speaker box; a rim (Fig.1, Item 7) joined to the speaker box; a motor (Fig.1, Item 11) support joined to the rim; a rim cover (Fig.1 and 3, Items 3 and 23) disposed about the rim; a rotatable shaft (Fig.3, Item 25), the motor joined to the motor support and adapted to rotate the rotatable shaft (Fig.3); a power source joined to the motor, the power source powering the motor; and a rotatable cover (Fig.1 and 3, Items 4 and 22) joined to the rotatable shaft (Figs.1 and 3; Col.1,

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Line 65 – Col.3, Line 57), but fails to disclose wherein the motor is joined to a rotatable shaft.

On the other hand, the Examiner considers that it would have been an obvious matter of design choice to join the motor to the rotatable shaft and to provide a motor support having a central aperture frame and spokes, the spokes joining the central aperture frame to the rim, the central aperture frame defining a central aperture, the motor being joined to the central aperture frame and the motor selectively rotating the rotatable shaft because it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Conclusion

3. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.
4. The Examiner would like to establish that he considers that US Patent No. 6,978,031 to Garretson et al. teach all the limitations described in the claims, however, the reference is not considered to be Prior Art since the reference does not comply with the 35 U.S.C 102 requirements.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext.33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Edgardo San Martín', is positioned above the printed name and title.

Edgardo San Martín
Primary Examiner
Art Unit 2837
Class 181
March 5, 2006